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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00156 JW
)	
Plaintiff,)	TRIAL STIPULATIONS II
)	
v.)	Trial Date: August 5, 2008
)	Time: 9:00 a.m.
STEVEN RODRIGUEZ,)	Court: Hon. J. Ware
)	
Defendant.)	

IT IS HEREBY STIPULATED by and between the United States and defendant, Steven Rodriguez, as follows:

- That prior to February 23, 2007, the defendant had been convicted of a crime punishable by imprisonment of a term exceeding one year.

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2. That the firearm found at 1535 San Andreas Rd. in Watsonville, California (the Manresa Lodge), a Remington Model 870 12 gauge pump-action shotgun, serial number V631321V, marked as Exhibit _8_, was manufactured in New York.
3. That the ammunition seized at the Manresa Lodge, one round of 12 gauge ammunition containing the head-stamp “R-P”, marked as Exhibit _9a_, was manufactured in Arkansas or Connecticut; another round of 12 gauge ammunition containing the head-stamp “Peters”, marked as Exhibit _9b_, was manufactured in Ohio; another round of 12 gauge ammunition containing the head-stamp “Duck Symbol”, marked as Exhibit _9c_, was manufactured in Minnesota; the last two rounds of 12 gauge ammunition containing the head-stamp “Sellier & Bellot.”, marked as Exhibit _9d and 9e_, was manufactured in the Czech Republic.
4. That the defendant tested positive for narcotics use nine separate times according to toxicology reports done by National Toxicology Laboratories, Inc. On **September 7, 2005**, the defendant tested positive for amphetamines and methamphetamines. On **October 24, 2005**, the defendant tested positive for amphetamines and methamphetamines. On **January 23, 2006**, the defendant tested positive for amphetamines and methamphetamines. On **February 16, 2006**, the defendant tested positive for amphetamines and methamphetamines. On **March 1, 2006**, the defendant tested positive for amphetamines and methamphetamines. On **March 29, 2006**, the defendant tested positive for amphetamines and methamphetamines. On **May 16, 2006**, the defendant tested positive for amphetamines and methamphetamines. On **February 8, 2007**, the defendant tested positive for amphetamines and methamphetamines. On **February 23, 2007**, the defendant tested positive for amphetamines and methamphetamines.
5. That on two occasions, **March 16, 2005** and **November 17, 2005**, the defendant signed statements admitting he used methamphetamine.

6. Amphetamines and methamphetamines are controlled substances as defined in
Section 102 of the Controlled Substances Act (21 U.S.C. § 802).

DATED: August 5, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
JEFFREY B. SCHENK
Assistant United States Attorney